

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

KEVIN WHITE,

Plaintiff,

Civil Action No. 09-cv-12911  
HON. BERNARD A. FRIEDMAN  
MAG. JUDGE MONA K. MAJZOUN

vs.

CITY OF DETROIT, et al.,

Defendants.

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**OPINION AND ORDER ADOPTING THE MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION, GRANTING PLAINTIFF'S MOTION  
FOR SANCTIONS AND DENYING DEFENDANT CITY OF DETROIT'S MOTION  
FOR ENLARGEMENT OF TIME TO RESPOND TO INTERROGATORIES**

**I. Introduction**

Before the Court is defendant City of Detroit's (the "City") objections to Magistrate Judge Majzoub's September 11, 2012 Report and Recommendation ("R&R") [docket entries 61 and 77]. The magistrate judge recommended that the Court grant plaintiff's motion for sanctions [docket entry 56] and deny the City's motion for enlargement of time to respond to interrogatories and requests for document production [docket entry 57]. Since the Court has reviewed this matter *de novo* pursuant to Fed. R. Civ. P. 72(b)(3), and finds that the magistrate judge's recitation of the underlying facts is accurate, the Court will adopt her summary of the factual record as it appears on pages 3 and 4 of the R&R.

In its objections, the City contends that it responded to plaintiff's request for interrogatories and requests for document production prior the issuance of the magistrate judge's

R&R, thereby rendering it moot. It further argues that plaintiff had a duty to inform “the Court that the discovery requests were received and/or explain to the Court why any answer was not full and complete.”

## **II. Analysis**

Pursuant to its *de novo* standard of review, the Court finds that the magistrate judge’s conclusions are correct. The City’s claim that it responded to plaintiff’s request for interrogatories and requests for document production prior the issuance of the magistrate judge’s R&R is wholly unsubstantiated. The City’s attorneys could have easily attached a copy of their alleged response to plaintiff’s discovery requests with proof of service, but inexplicably failed to do so. Moreover, the City provides no compelling reason why it neglected to inform the magistrate judge that it had, in fact, responded to plaintiff’s discovery requests, especially when faced with the prospect of sanctions.

Accordingly,

IT IS ORDERED that the Magistrate Judge’s Report and Recommendation is affirmed.

IT IS FURTHER ORDERED that the City’s objections are denied.

IT IS FURTHER ORDERED that plaintiff’s motion for sanctions is granted.

IT IS FURTHER ORDERED that the City’s motion for enlargement of time to respond to interrogatories and requests for document production is denied.

IT IS FURTHER ORDERED that the City is barred from using any discovery material that should have been produced in response to plaintiff's March 15, 2012 discovery request.

IT IS FURTHER ORDERED that plaintiff is awarded reasonable costs and attorneys' fees resulting from the City's failure to respond to plaintiff's March 15, 2012 discovery request.

S/ Bernard A. Friedman

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BERNARD A. FRIEDMAN  
SENIOR UNITED STATES DISTRICT JUDGE

Dated: March 29, 2013  
Detroit, Michigan